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Date: August 5, 2003

Sonia V. McVean
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PATENT
36856.64

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michio KADOTA

Art Unit: 2834

Serial No.: 09/038,717

Filed: January 28, 1998

Examiner: M. Budd

Title: SURFACE ACOUSTIC WAVE DEVICE

REQUEST FOR RECONSIDERATION

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COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated March 6, 2003, the period for response to which has been extended to August 6, 2003, by the accompanying Petition for Two-Month Extension of Time, please reconsider the above-identified application in view of the following remarks.

Claims 1-4 and 6-9 are pending in this application.

Applicant appreciates the Examiner's indication that claims 1, 2 and 6-9 are allowed.

Claims 3 and 4 were rejected under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite. Particularly, the Examiner alleged that claims 3 and 4 conflict with claim 1 wherein θ is in the range of about 85° to about 95° . Applicant respectfully disagrees.

Claim 1 recites "the propagation direction θ is in the range of about 85° to about 95° ," whereas claims 3 and 4 recite "the angle ϕ is within a range of about 119° to about

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167°" and "the angle ϕ is within a range of about 119° to about 138°," respectively. Since claims 3 and 4 recite the angle ϕ , NOT the propagation direction θ , Applicant respectfully submits that claims 3 and 4 do NOT conflict with claim 1, and thus, that claims 3 and 4 are clear and definite. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

In view of foregoing remarks, Applicants respectfully submits that claims 1-4 and 6-9 are allowable.

In view of the foregoing remarks, Applicant respectfully submits that this Application is in condition for allowance. Favorable consideration and prompt allowance are respectfully solicited.

To the extent necessary, Applicant petitions the Commissioner for a Two-month extension of time, extending to August 6, 2003, the period for response to the Office Action dated March 6, 2003.

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

Date: August 5, 2003


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